

MONTANA LEGISLATIVE HISTORY

Chapter 249 19 99

Bill H _____ S 348

Original bill & history ✓ c

H. Committee on Local Gov

Hearing Date(s) 3/11 ✓ c

_____ c

_____ c

_____ c

Date Out _____ c

S. Committee on Judiciary

Hearing Date(s) 2/5 ✓ c

2/9 ✓ c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

SENATE BILLS AND RESOLUTIONS

203

2/16	Referred to Business and Labor		
3/02	Hearing		
3/02	Committee Executive Action--Bill Concurred	15	0
3/03	Committee Report--Bill Concurred		
3/08	2nd Reading Concurred	97	1
3/09	3rd Reading Concurred	95	2
	Returned to Senate		
3/10	Sent to Enrolling		
3/10	Returned from Enrolling		
3/12	Signed by President		
3/13	Signed by Speaker		
3/15	Transmitted to Governor		
3/17	Signed by Governor		
3/19	Chapter Number Assigned		
	Chapter Number 103		
	Effective Date: 3/17/1999 - Sections 2 and 4		
	Effective Date: 7/01/2001 - Sections 1 and 3		

SB 348 Introduced by Bartlett, et al.

LC0933 Drafter: Lane

Provide for the Decriminalization of Municipal Violations;...

1/30	Introduced and 1st Reading		
1/30	Referred to Judiciary		
2/05	Hearing		
2/09	Committee Executive Action--Bill Passed as Amended	9	0
2/10	Committee Report--Bill Passed as Amended		
2/11	2nd Reading Passed	50	0
2/12	3rd Reading Passed	48	0
	Transmitted to House		
2/16	Referred to Local Government		
3/11	Hearing		
3/12	Committee Executive Action--Bill Concurred	12	1
3/12	Committee Report--Bill Concurred		
3/20	2nd Reading Concurred	96	4
3/22	3rd Reading Concurred	94	6
	Returned to Senate		
3/23	Sent to Enrolling		
3/23	Returned from Enrolling		
3/25	Signed by President		
3/26	Signed by Speaker		
3/29	Transmitted to Governor		
4/05	Signed by Governor		
4/06	Chapter Number Assigned		
	Chapter Number 249		
	Effective Date: 10/01/1999 - All Sections		

SB 349 Introduced by Christiaens, et al.

LC0689 Drafter: Maly

Establish an Affordable Housing Loan Fund Administered by the Montana Board of Housing;...

11/24	Fiscal Note Needed		
1/30	Introduced and 1st Reading		
1/30	Referred to Business and Industry		

1 *Senate* BILL NO. *348*
2 INTRODUCED BY *Bartlett* *Grasfield*
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DECRIMINALIZATION OF MUNICIPAL
5 VIOLATIONS; CREATING A CATEGORY OF MUNICIPAL INFRACTIONS WITH CIVIL PENALTIES AND
6 PROVIDING PROCEDURES FOR ENFORCING MUNICIPAL INFRACTIONS; AUTHORIZING MUNICIPALITIES
7 TO CLASSIFY VIOLATIONS OF MUNICIPAL ORDINANCES AS MUNICIPAL INFRACTIONS; AND
8 AMENDING SECTION 7-1-4124, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 Section 1. Section 7-1-4124, MCA, is amended to read:

13 "7-1-4124. Powers. A municipality with general powers has the power, subject to the provisions
14 of state law, to:

15 (1) enact ordinances and resolutions;

16 (2) sue and be sued;

17 (3) buy, sell, mortgage, rent, lease, hold, manage, or dispose of any interest in real or personal
18 property;

19 (4) contract with persons, corporations, or any other governmental entity;

20 (5) pay debts and expenses;

21 (6) borrow money;

22 (7) solicit and accept bequests, donations, or grants of money, property, services, or other
23 advantages and comply with any condition that is not contrary to the public interest;

24 (8) execute documents necessary to receive money, property, services, or other advantages from
25 the state government, the federal government, or any other source;

26 (9) make grants and loans of money, property, and services for public purposes;

27 (10) require the attendance of witnesses and production of documents relevant to matters being
28 considered by the governing body;

29 (11) hire, direct, and discharge employees and appoint and remove members of boards;

30 (12) ratify any action of the municipality or its officers or employees which could have been

- 1 approved in advance;
- 2 (13) have a corporate seal and flag;
- 3 (14) acquire by eminent domain as provided in Title 70, chapter 30, any interest in property to
- 4 provide any service or facility authorized by law;
- 5 (15) initiate a civil action to restrain or enjoin violation of an ordinance;
- 6 (16) enter private property, obtaining warrants when necessary, for the purpose of enforcing
- 7 ordinances that affect the general welfare and public safety;
- 8 (17) conduct a census;
- 9 (18) conduct inventories of public property and preparatory studies;
- 10 (19) condemn and demolish hazardous structures;
- 11 (20) purchase insurance and establish self-insurance plans;
- 12 (21) impound animals and other private property creating a nuisance or obstructing a street or
- 13 highway;
- 14 (22) establish quarantines; ~~and~~
- 15 (23) classify all violations of city ordinances as civil infractions, with civil penalties, as provided
- 16 in [section 2]; and
- 17 ~~(23)~~(24) exercise powers not inconsistent with law necessary for effective administration of
- 18 authorized services and functions."

19

20 NEW SECTION. Section 2. Municipal infractions -- civil offense. (1) A municipal infraction is a

21 civil offense punishable by a civil penalty of not more than \$300 for each violation or if the infraction is

22 a repeat offense, a civil penalty not to exceed \$500 for each repeat violation.

23 (2) A municipality may by ordinance provide that a violation of an ordinance is a municipal

24 infraction.

25 (3) A municipality may not provide that a violation of an ordinance is a municipal infraction if the

26 violation is a criminal offense under state law.

27 (4) An officer who is authorized by a municipality to enforce a municipal code or regulation may

28 issue a civil citation to a person who commits a municipal infraction. The citation may be served by

29 personal service, by certified mail addressed to the defendant at the defendant's last known mailing

30 address, return receipt requested, or by publication, as provided in Rule 4D(5), M.R.Civ.P. A copy of the

1 citation must be retained by the issuing officer and one copy must be sent to the clerk of the municipal
2 or city court. The citation must serve as notification that a civil offense has been committed and must
3 contain the following information:

- 4 (a) the name and address of the defendant;
- 5 (b) the name or description of the infraction attested to by the officer issuing the citation;
- 6 (c) the location and time of the infraction;
- 7 (d) the amount of civil penalty to be assessed or the alternate relief sought, or both;
- 8 (e) the manner, location, and time in which the penalty may be paid;
- 9 (f) the time and place of court appearance; and
- 10 (g) the penalty for failure to appear in court.

11
12 **NEW SECTION.** Section 3. Municipal infractions -- proceedings. (1) In municipal infraction
13 proceedings:

14 (a) the matter must be tried before a municipal court judge or city court judge in the same manner
15 as a small claim if the total amount of civil penalties does not exceed \$3,000. The matter may only be
16 tried before a judge in district court if the total amount of civil penalties assessed exceeds \$3,000.

17 (b) the city has the burden of proof that the municipal infraction occurred and that the defendant
18 committed the infraction. The proof must be by clear and convincing evidence.

19 (c) the court shall ensure that the defendant has received a copy of the charges and that the
20 defendant understands the charges. The defendant may question all witnesses who appear for the
21 municipality and produce evidence or witnesses on the defendant's behalf.

22 (d) the defendant may be represented by counsel of the defendant's own choosing and at the
23 defendant's own expense;

24 (e) the defendant may answer by admitting or denying the infraction;

25 (f) if a municipal infraction is proven, the court shall enter a judgment against the defendant. If
26 the infraction is not proven, the court shall dismiss the charges. Each day that a violation occurs or is
27 permitted to exist by the defendant constitutes a separate offense.

28 (2) All penalties or forfeitures collected by the court for municipal infractions must be remitted
29 to the municipality in the same manner as fines and forfeitures collected for criminal offenses. If the
30 person named in the citation is served as provided in [section 2] and fails without good cause to appear

1 in response to the civil citation, judgment must be entered against the person.

2 (3) A person against whom judgment is entered shall pay court costs and fees as in small claims
3 court under Title 25, chapter 35. If the action is dismissed by the court, the municipality is liable for the
4 court costs and court fees.

5 (4) Seeking a civil penalty as authorized in this section does not preclude a municipality from
6 seeking alternative relief from the court in the same action.

7 (5) When judgment has been entered against a defendant, the court may do any of the following:

8 (a) impose a civil penalty by entry of a judgment against the defendant;

9 (b) direct that payment of the civil penalty be suspended or deferred under conditions imposed
10 by the court;

11 (c) grant appropriate alternative relief ordering the defendant to abate or cease the violation;

12 (d) authorize the municipality to abate or correct the violation;

13 (e) order that the municipality's costs for abatement or correction of the violation be entered as
14 a judgment against the defendant or assessed against the property where the violation occurred, or both.

15 (6) If a defendant willfully violates the terms of an order imposed by the court, the failure is
16 contempt.

17
18 **NEW SECTION.** Section 4. Municipal infractions -- jurisdiction -- appeal. (1) A municipal court
19 judge or city court judge has jurisdiction to assess or enter judgment for costs of abatement or correction
20 in any amount not to exceed the jurisdictional amount for a money judgment in a civil action pursuant to
21 3-11-103. If the municipality seeks abatement or correction costs in excess of that amount, the matter
22 must be referred to the district court for hearing and entry of an appropriate order. The procedure for
23 hearing in the district court shall be the same procedure as that for a small claims appealed under
24 25-35-803.

25 (2) The defendant or the municipality may file a motion for a new trial or may appeal the decision
26 to district court. A factual determination made by the trial court, supported by substantial evidence as
27 shown in the record, is binding for purposes of appeal relating to the violation at issue, but is not
28 admissible or binding as to any future violations for the same or similar ordinance provision by the same
29 defendant.

30 (3) Except for willful or wanton misconduct on the part of the municipality, the issuance of a civil

1 citation for a municipal infraction or the ensuing court proceedings do not provide an action for false
2 arrest, false imprisonment, or malicious prosecution.

3 (4) An action brought pursuant to this section for a municipal infraction that is an environmental
4 violation does not preclude, and is in addition to, any other enforcement action that may be brought under
5 state law.

6
7 NEW SECTION. Section 5. Codification instruction. [Sections 2 through 4] are intended to be
8 codified as an integral part of Title 7, chapter 1, part 41, and the provisions of Title 7, chapter 1, part 41,
9 apply to [sections 2 through 4].

10 - END -

INDEX TO BILLS IN COMMITTEE

June 30, 1999

- Committee: (S) Judiciary -

04:57 PM

-
- SB 306** **SPONSOR:** Grimes, Duane **SHORT TITLE:** Revise showing required affidavit in support of motion for interim parenting plan
- REFERRED ON:** 01/27/1999 **HEARD ON:** 02/03/1999
- EXECUTIVE ACTION:** 02/15/1999 Bill Passed as Amended -- VOTE: 8 - 0
- FINAL DISPOSITION** 05/04/1999 Chapter Number Assigned
-
- SB 319** **SPONSOR:** Holden, Ric **SHORT TITLE:** Allow marriage discounts for auto insurance
- REFERRED ON:** 01/28/1999 **HEARD ON:** 02/04/1999
- EXECUTIVE ACTION:** 02/05/1999 Bill Passed as Amended -- VOTE: 5 - 4
- FINAL DISPOSITION** 04/22/1999 (H) Died in Standing Committee
-
- SB 320** **SPONSOR:** Holden, Ric **SHORT TITLE:** Prohibit noneconomic damages for uninsured driver and felons
- REFERRED ON:** 01/28/1999 **HEARD ON:** 02/04/1999
- EXECUTIVE ACTION:** 02/17/1999 Bill Passed as Amended -- VOTE: 6 - 3
- FINAL DISPOSITION** 04/22/1999 (H) Died in Standing Committee
-
- SB 328** **SPONSOR:** Ellingson, Jon **SHORT TITLE:** Prohibit discrimination based on sexual orientation
- REFERRED ON:** 01/29/1999 **HEARD ON:** 02/05/1999
- TABLED ON:** 02/16/1999
- FINAL DISPOSITION** 03/01/1999 (S) Missed Deadline for General Bill Transmittal
-
- SB 348** **SPONSOR:** Bartlett, Sue **SHORT TITLE:** Decriminalize municipal code violations
- REFERRED ON:** 01/30/1999 **HEARD ON:** 02/05/1999
- EXECUTIVE ACTION:** 02/09/1999 Bill Passed as Amended -- VOTE: 9 - 0
- FINAL DISPOSITION** 04/06/1999 Chapter Number Assigned
-
- SB 357** **SPONSOR:** Stang, Spook **SHORT TITLE:** Allow gambling machines on county fairgrounds during fair
- REFERRED ON:** 01/30/1999 **HEARD ON:** 02/10/1999
- TABLED ON:** 02/12/1999
- FINAL DISPOSITION** 03/01/1999 (S) Missed Deadline for General Bill Transmittal
-
- SB 363** **SPONSOR:** Eck, Dorothy **SHORT TITLE:** Death penalty moratorium
- REFERRED ON:** 02/01/1999 **HEARD ON:** 02/10/1999
- TABLED ON:** 02/12/1999
- FINAL DISPOSITION** 03/01/1999 (S) Missed Deadline for General Bill Transmittal
-

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on February 5,
1999 at 9:00 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 328, SB 348, 2/2/1999
Executive Action: SB 319, SB 237

HEARING ON SB 348

Sponsor: SEN. SUE BARTLETT, SD 27, Helena and Unionville

Proponents: Merv Webb, Columbia Falls City Manager
David Nielsen, Helena City Attorney
Alec Hanson, League of Cities and Towns
Jani McCall, City of Billings

Opponents: None

Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 27, Helena and Unionville, introduced Senate Bill 348 which authorizes municipalities to change violations of municipal ordinances from misdemeanor criminal offenses to the civil offense of a municipal infraction. This would include enforcing compliance with parking ordinances, building and zoning ordinances, and ordinances governing nuisances. If state law makes a particular offense a criminal offense, SB 348 specifies that a municipality may not make that offense a municipal infraction.

Section 1 authorizes the municipality to establish civil infractions. Section 2 establishes that a municipal infraction is a civil offense. The penalty may not exceed a \$300 fine for each first offense or a \$500 fine for each repeat offense. A municipal officer, usually a department head for the city or town, may issue citations for municipal infractions. Section 3 sets out the proceedings for trying a municipal infraction. This must be handled like a small claim in city court if the total penalty will be \$3,000 or less. If the penalty is more, the matter must be tried in district court. The city has the burden of proof and must establish its case by clear and convincing evidence. The rights of the defendant are detailed in section 3. All penalties collected are to be handled the same as fines collected in criminal offenses. The city may seek alternative relief in the same action. Section 4 provides procedures for an appeal to the district court.

Proponents' Testimony:

Merv Webb, Columbia Falls City Manager, remarked that this bill gives municipalities a more streamlined process to deal with the ordinances passed by the city. The ordinances define the quality of life in cities. The full criminal process is not necessary to deal with parking, barking dogs, or sidewalks.

David Nielsen, Helena City Attorney, offered technical comments. He suggested that in Section 3(1)(f) the word "offense" be replaced with "infraction". The word "offense" is used in criminal code to describe crimes. The remedies of the City of Helena include taking a violator into district court or using a misdemeanor offense. This legislation would allow tremendous remedies that are both inexpensive and expedient.

Alec Hanson, League of Cities and Towns, explained that this legislation was brought at their request. This applies only to city ordinances and is optional. The real advantage of this legislation is that it will allow city courts, managers and administrators some additional flexibility.

Jani McCall, City of Billings, rose in support of SB 348. This will simplify procedures and encourage payment of fines.

{Tape : 1; Side : A; Approx. Time Counter : 9.16}

Opponents' Testimony: None.

Questions from Committee Members and Responses:

CHAIRMAN GROSFIELD questioned whether this procedure would be optional on a case-by-case basis or whether it would include all cases. Mr. Nielsen responded that a city could decide which ordinances would be misdemeanors and which would fall under this civil remedy. The ordinance would specify how this would be handled.

Closing by Sponsor:

SEN. BARTLETT remarked that this will eliminate the stigma of having a criminal offense on one's record for something that is not a crime. The ordinance enforcement business is placed in the hands of the administrative departments instead of law enforcement. This is common in other states. She agreed to the change that Mr. Nielsen requested.

HEARING ON SB 328

Sponsor: SEN. JON ELLINGSON, SD 33, Missoula

Proponents: Bob Ream, Chairman of the Montana Democratic Party
Christine Kaufmann, Montana Human Rights Network
Kristine Marsh, Director of Services to Children
and Families for the Western Montana Mental
Health Center
Margaret Poore, PRIDE
Joyce Galster, Citizen
Kelly Gibson, PRIDE Board of Director
Colleen Murphy, National Association of Social
Workers
Molly Madden, Helena High School, Youth for Unity,
and The Montana Youth Action Network
Don Judge, AFL-CIO
Rev. David Orendorff, St. Paul's Methodist Church
Corlann Bush, Human Resources Affirmative Action
Director at Montana State University
Jeff Feathergill, Citizen
Al Smith, Montana Trial Lawyers Association
Rebecca Moog, Montana Womens Lobby

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN LORENTS GROSFIELD, on February 9, 1999 at 9:00 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 41, SB 372, 2/6/1999
Executive Action: SB 16, SB 243, SB 250, SB 348

HEARING ON HB 41

Sponsor: REP. TONI HAEGNER, HD 90, HAVRE

Proponents: Chief Justice Jean Turnage
Ward Shanahan, State Bar of Montana
Larry Fasbender, Department of Justice
Mary Phippen, Montana Association of Clerks of
District Court
Pat Chenovick, Supreme Court Administrator

security number. He believed that leaving this to the request of the parties would address the issue. He added that it would be necessary to address the delayed effective date. The attorney general will need to generate new forms regarding the summary dissolution so the effective date will need to be July or October.

EXECUTIVE ACTION ON SB 348

Motion: SEN. BARTLETT moved that SB 348 BE AMENDED - SB034801.avl, EXHIBIT(5).

Discussion:

SEN. BARTLETT explained that the amendment would change the words "civil offense" to "municipal infraction" in one place and changing the word "offense" to "infraction" in another place. The term "offense" is generally considered a criminal terminology and this bill tries to decriminalize the criminal codes.

Vote: The motion carried unanimously - 9-0.

Motion/Vote: SEN. BARTLETT moved that SB 348 DO PASS AS AMENDED. The motion carried unanimously - 9-0.

{Tape : 2; Side : A; Approx. Time Counter : 10.45}

EXECUTIVE ACTION ON SB 16

SEN. GRIMES reported that the Y2K Subcommittee met three times and heard from a variety of individuals who are involved in Y2K issues. This included Disaster and Emergency Services, the National Guard, and various other agencies. The private sector was not very well represented. They agreed that there should be some level of immunity for the public sector. The simplest way to address this seemed to be use the gross negligence standard. He doesn't believe that other states have gone to that extent. If a sewage system for a municipality is down or a water system is down and damage occurs as a result, this could cause problems for the municipalities if they were not provided some level of immunity.

The Subcommittee agreed to the amendments - SB001604.avl, EXHIBIT(6). Since the last Subcommittee meeting, the Hospital Association has reminded him that some hospitals are government hospitals. This would create an unequal standard unless non-profit hospitals were included.

INDEX TO BILLS IN COMMITTEE

November 12, 1999

- Committee: (H) Local Government -

01:35 PM

-
- SB 180** **SPONSOR:** Hertel, John **SHORT TITLE:** County commission hearings on public land exchanges with federal agency
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 TABLED ON: 03/10/1999
 FINAL DISPOSITION 04/22/1999 (H) Died in Standing Committee
-
- SB 207** **SPONSOR:** Roush, Glenn **SHORT TITLE:** Allow board of county commissioners to donate tax deed land to nonprofit corps
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 EXECUTIVE ACTION: 03/10/1999 Bill Concurred as Amended -- VOTE: 16 - 0
 FINAL DISPOSITION 04/06/1999 Chapter Number Assigned
-
- SB 225** **SPONSOR:** Hertel, John **SHORT TITLE:** Let county commis.board include road construction in road improvement districts
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/04/1999
 EXECUTIVE ACTION: 03/24/1999 Bill Concurred as Amended -- VOTE: 12 - 0
 FINAL DISPOSITION 04/16/1999 Chapter Number Assigned
-
- SB 239** **SPONSOR:** Roush, Glenn **SHORT TITLE:** Clarify sharing of information with solid waste management district boards
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/09/1999
 EXECUTIVE ACTION: 03/12/1999 Bill Concurred as Amended -- VOTE: 9 - 4
 FINAL DISPOSITION 04/07/1999 Chapter Number Assigned
-
- SB 269** **SPONSOR:** Toews, Daryl **SHORT TITLE:** Revise and clarify county water and sewer project laws
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/09/1999
 EXECUTIVE ACTION: 03/26/1999 Bill Concurred as Amended -- VOTE: 15 - 2
 TABLED ON: 03/24/1999
 FINAL DISPOSITION 04/20/1999 Chapter Number Assigned
-
- SB 270** **SPONSOR:** Devlin, Gerry **SHORT TITLE:** Allow county to charge Dept. of Revenue for office space
 REFERRED ON: 03/02/1999 **HEARD ON:** 03/09/1999
 EXECUTIVE ACTION: 03/10/1999 Bill Concurred -- VOTE: 16 - 0
 FINAL DISPOSITION 05/10/1999 Chapter Number Assigned
-
- SB 348** **SPONSOR:** Bartlett, Sue **SHORT TITLE:** Decriminalize municipal code violations
 REFERRED ON: 02/16/1999 **HEARD ON:** 03/11/1999
 EXECUTIVE ACTION: 03/12/1999 Bill Concurred -- VOTE: 12 - 1
 FINAL DISPOSITION 04/06/1999 Chapter Number Assigned
-

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN CHRIS AHNER**, on March 11, 1999 at
3:00 P.M., in Room 104 Capitol.

ROLL CALL

Members Present:

Rep. Chris Ahner, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. David Ewer, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. Edith Clark (R)
Rep. Tom Dell (D)
Rep. Steven Gallus (D)
Rep. Toni Hagener (D)
Rep. Bob Lawson (R)
Rep. Jeff Mangan (D)
Rep. Mark Noennig (R)
Rep. Carley Tuss (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Sam Kitzenberg (R)
Rep. Scott J. Orr (R)
Rep. Trudi Schmidt (D)

Members Absent: None.

Staff Present: Bart Campbell, Legislative Branch
Kimberly Walkenhorst, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB415, SB366, SB348, SB488,
3/11/1999
Executive Action: SB488, SB348, SB415, SB239

Loretta Miller, Green Meadow Salvage EXHIBIT(3)EXHIBIT(4)
{Tape : 1; Side : B; Approx. Time Counter : 4.1}

Terry Morrison, Montana Tow Trucks Association
{Tape : 1; Side : B; Approx. Time Counter : 8.9}

Informational:

Jani Sensibaugh, Department of Environmental Equality
{Tape : 1; Side : B; Approx. Time Counter : 9.9}

Questions from Committee Members and Responses:
{Tape : 1; Side : B; Approx. Time Counter : 12.3}

Closing Statement by Sponsor: Senator Sue Bartlett
{Tape : 2; Side : A; Approx. Time Counter : 6.6}

HEARING ON SB348

Opening Statement by Sponsor: Senator Sue Bartlett
{Tape : 2; Side : A; Approx. Time Counter : 12.8}

Proponents' Testimony:

Alec Hansen, Montana League of Cities and Towns
{Tape : 2; Side : A; Approx. Time Counter : 17.2}

Jani McCall, City of Billings
{Tape : 2; Side : A; Approx. Time Counter : 21}

Dave Nielson, City Attorney Helena
{Tape : 2; Side : A; Approx. Time Counter : 21.3}

Opponents' Testimony: None

Questions from Committee Members and Responses:
{Tape : 2; Side : B; Approx. Time Counter : 22.4}

Closing Statement by Sponsor: Senator Sue Bartlett
{Tape : 3; Side : A; Approx. Time Counter : 2}

HEARING ON SB488

Opening Statement by Sponsor: Senator Sue Bartlett EXHIBIT(5)
{Tape : 3; Side : A; Approx. Time Counter : 3.8}

Proponents' Testimony:

Robert Throssell, Montana Association of Clerks and Recorders
{Tape : 3; Side : A; Approx. Time Counter : 9}

Duane Winslow, Director of Elections for Yellowstone County
{Tape : 3; Side : A; Approx. Time Counter : 11.1}

Shelly Vance, Clerk and Recorder Gallatin County
{Tape : 3; Side : A; Approx. Time Counter : 13.6}

Opponents' Testimony: None

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 14.8}

Closing Statement by Sponsor: Senator Sue Bartlett

{Tape : 3; Side : A; Approx. Time Counter : 14.9}

EXECUTIVE ACTION ON SB488

Motion: REP. YOUNKIN moved that SB488 BE CONCURRED IN.

{Tape : 3; Side : A; Approx. Time Counter : 21.1}

Discussion:

{Tape : 3; Side : A; Approx. Time Counter : 21.4}

Vote: Motion carried 13-0.

{Tape : 3; Side : A; Approx. Time Counter : 21.5}

EXECUTIVE ACTION ON SB348

Motion: REP. NOENNIG moved that SB348 BE CONCURRED IN.

{Tape : 3; Side : A; Approx. Time Counter : 21.9}

Discussion:

{Tape : 3; Side : A; Approx. Time Counter : 22.1}

Vote: Motion carried 12-1 with Lawson voting no.

{Tape : 3; Side : A; Approx. Time Counter : 22.3}

EXECUTIVE ACTION ON SB415

Discussion:

{Tape : 3; Side : A; Approx. Time Counter : 23}